

GENERAL SYNOD

House of Lords Reform

A Submission from the Archbishops of Canterbury and York to the Parliamentary Joint Committee on the Government's Draft Bill and White Paper.**General principles**

1. More than a decade ago, the then Archbishops' submission to the Royal Commission on House of Lords Reform said that **the test of reform was whether it would enable Parliament as a whole to serve the people better.** That has remained the consistent position of Church of England submissions since.
2. As with any constitutional change, it is important, therefore, that there is clarity over the problems that reform is intended to address and a reasonable measure of assurance that the proposed solutions will work and avoid unintended consequences. Fundamental changes to how we are governed should also command a wide measure of consent within the country as well as in Parliament.
3. In his initial response of May 2011 to the White Paper and Draft Bill the Lords Spiritual Convenor, the Bishop of Leicester, said: "*Some reform of the Lords is overdue, not least to resolve the problem of its ever-increasing membership. But getting the balance of reform right, so that we retain what is good in our current arrangements, whilst freeing up the House to operate more effectively and efficiently, is crucial.*"¹ In particular, the proposal to reduce the overall size of the House is welcome. But it is far less clear that wholesale reform of the House of Lords along the lines now envisaged gets the balance right.
4. For so long as the majority of the House of Lords consisted of the hereditary peerage there was manifestly a compelling case for reform. Whatever the arguments for appointment as against election there was no cogent case for a legislature where the hereditary voice was potentially predominant – indeed still around two-thirds of the total membership in 1997.
5. The 1999 legislation has, however, largely addressed that issue. The appointed component of the House has now increased from around a third in 1997 to around 85%. A case can certainly be made for completing the process of reform and ending the practice of reserved places for hereditary peers. Introducing retirement ages for appointed peers and the ability for them to resign also makes sense.

¹ *Statement on Government white paper on House of Lords reform, 17/5/11*, online at: <http://bit.ly/10oR2u>

GENERAL SYNOD

6. The more fundamental issue however, is the rationale for going beyond this and substantially reducing - or even abandoning - the appointed component in favour of a partly or wholly elected House of Lords.
7. We recognise both the nature of arguments for election motivated by concerns for democratic legitimacy, and the political consensus reflected in the 2010 General Election manifestoes. Any reform that enables parliament as a whole to maintain a wide and enduring level of public respect is likely to attract our support. However, the declared view of the three main parties that the Upper House should be wholly or mainly elected does not appear to proceed from any settled view as to the fundamental purpose of the second chamber of the legislature, what its powers should be and – crucially - what its relationship should be with the House of Commons.
8. The Church of England and its bishops claim no special expertise in relation to systems of governance. The sheer diversity of constitutional arrangements across the democratic world should, however, in our view, instil a sense of humility in relation to claims that any one approach is manifestly superior to another. It also makes us cautious of changes which derive their justification from abstract theory or supposed universal norms.
9. Constitutions appear to reflect the particular histories, cultures and circumstances of each nation. The fact that ours has evolved over a particularly long period is not an argument against its further significant evolution. But it does seem to us to create a presumption in favour of adaptation and specific reforms to address manifest problems rather than far-reaching changes which sweep away all the familiar landmarks.
10. At a time of considerable public concern over our national political life and the conduct of those who serve the nation in Parliament, it must at the very least be highly questionable whether a reformed House consisting very largely or wholly of those elected from party lists would increase public confidence in our constitutional arrangements, or be a recipe for effective and accountable government.
11. Nor at a time of great economic uncertainty, when very substantial sums are being removed from the public purse, does it seem easy to justify a salaried House at substantially increased cost to the Exchequer, in the process, depriving Parliament of the expertise (brought far less expensively) by a very substantial appointed component.
12. **In summary, if, as we believe, the second chamber should remain essentially a revising chamber and if, as we also believe, the primacy of the House of Commons is to be maintained, the argument that such a chamber can only be effective and have proper legitimacy if it is wholly or mainly elected is no more than an assertion.**

GENERAL SYNOD

Powers, Functions and Legitimacy

13. In their speeches in the House of Lords on 29th June the Archbishop of York and the Bishop of Leicester argued that there was a compelling case for retaining a second chamber that, both in its powers and composition, was distinctive from the House of Commons.
14. The Archbishop of York identified three objectives for the second chamber: **to ensure the just use of power entrusted to the government of the day**, which necessarily commands a majority in the House of Commons; **to ensure true and impartial accountability**; and **to represent the breadth and diversity of civil society and intellectual life**.
15. Consistent with this, the Bishop of Leicester underlined the crucial role of the second chamber in scrutinising and revising government legislation with a degree of independence not possible in the House of Commons.
16. It seems to us that reforms which bring the second chamber further under the control of the main political parties, especially if the governing party or coalition can rely on a majority in the second chamber, will inevitably damage the independence of the House of Lords and its ability to require governments to think again about specific legislative proposals.
17. There are several conclusions that could fairly be drawn from the claim made in that debate that over the past five years some 40% of the legislative amendments passed by the Lords against the advice of the Government have subsequently passed into law. They do not include casting doubt on the effectiveness of the present House of Lords as an effective second chamber.
18. The objective embodied in Clause 2 of the draft bill- to maintain the present relationship between Commons and Lords- seems to us to be right but inconsistent with the rest of the legislation. Once the second chamber were granted electoral legitimacy- not least under a proportional system which many would see as conferring greater democratic legitimacy than the first past the post system- the two Houses would over time increasingly find themselves in conflict with each other. In this respect we concur with the relevant conclusion of the November 2006 report of the Joint Committee on Conventions, chaired by Lord Cunningham.
19. Moreover, it seems to be the common experience with all legislative assemblies created in recent times (the European Parliament, the devolved bodies) that the moment their members are elected they demand more powers. The Royal Commission expressed its strong opposition *‘to a situation in which the two Houses of Parliament had equivalent electoral legitimacy. It would represent a substantial change in the present constitutional settlement in the United Kingdom and would almost certainly be a recipe for damaging conflict.’*² Whatever reservations there might now be about the specific

² 11.6, *A House for the Future*, report of the Royal Commission on the Reform of the House of Lords (2000)

GENERAL SYNOD

proposals of the Royal Commission, its conclusion on this point seems to us compelling.

20. Speaking in the Lords in 2009 the Bishop of Liverpool described the value of the present arrangement in the following way: *“We need to recover the unity of Parliament in the constitutional debate—two Houses, but one Parliament: a Commons that is elected and with the authority of having the last word, and a revising Chamber to advise, revise and refine the legislation....A mutuality between the two Houses, each distinctive in character and composition but mutually dependent, the elected looking to the other for the wisdom of experience, the appointed deferring to the elected and acknowledging their authority to have the last word as the voice of the people: one Parliament of two Houses under the Crown, as a sign that our own accountability is in two directions; below to the people, above to the source of our moral intuition.”*³
21. **We are concerned that the proposals in the Draft Bill may, by leading inevitably to a more assertive approach to conflict and disagreement with the Commons, make it harder for the institution as a whole to sustain the trust and confidence of the electorate.** The then Bishop of Durham, also speaking in the Lords in 2009, said: *“Legitimacy does not arise just from having people vote for you. Legitimacy is also sustained by doing the job and being trusted. Public consent and approval can come through the ballot box, or in other ways. When you do not get the second form of legitimacy, sustained trust, people lose interest in the first, the ballot box.”*⁴
22. Selection as a party candidate for election to a second chamber of the kind proposed in the draft bill would in all probability become a consolation prize for those who failed to gain selection for a seat in the House of Commons. Whilst the provision in Clause 55 to introduce restrictions on former members being elected as MPs is a useful guard against the use of the House of Lords as a springboard to launch a bid to become an MP, the lack of any similar restrictions on MPs seeking to stand for election to a reformed House of Lords is notable. It is not clear what substance there is to the assertion in paragraph 146 of the White Paper that the reformed House of Lords should *“attract individuals with different qualities from members of the House of Commons”*.

Other provisions in the draft bill

23. The proposal to establish a **statutory Appointments Commission** to appoint non-party political members of the Lords is welcome. Our support for this measure dates back to the Church’s response to the Royal Commission in 2000.
24. Whilst we understand the rationale for the powers in Part 5 of the Draft Bill to enable the Prime Minister to appoint Ministers to a reformed House of Lords supernumerary to overall numbers, it is crucial that such powers are used

³ Lords Hansard, 11/6/09, Col. 760

⁴ Lords Hansard, 11/6/09, Col. 765

GENERAL SYNOD

sparingly and not as a means to ensure majorities in the Upper House. **There is a case for inserting a maximum number in the bill for Prime Ministerial appointees rather than leaving this for secondary legislation.**

25. Retaining the peerage as an honour and breaking its link to membership of the second chamber seems right.
26. We note that the White Paper leaves the question of identifying the best **transitional arrangement** between the existing and reformed House of Lords to peers to decide collectively. Of the options set out, we believe that on balance the one used in the Draft Bill is the most preferable, though we have some points of detail in relation to the transitional arrangements for the Lords Spiritual (see Annex).
27. We note the **disqualification provisions** in Part 7 of the Draft Bill. The serious offence condition in Clause 47 sets a sentence of more than 12 months as the bar for disqualification. This seems too high in the interests of retaining public confidence and propriety.
28. We welcome the measures in Part 8 that allow for the **expulsion, suspension and retirement of members of a reformed House of Lords**. Lords Spiritual have advocated for the early and separate adoption of similar provisions by Government, the speedy introduction of which would be in the best interests of both the House of Lords and Parliament more widely. In that regard we would suggest that the Private Member's Bill of Lord Steel (which also contains provision to end hereditary peer by-elections) is worthy of Government support.
29. If fundamental rather than evolutionary reform of the House of Lords is to be examined, the question of civil society representation does, in our view, require closer deliberation than is evident in the Draft Bill and White Paper. The need is to see how this might be further broadened. It is significant that the Lords already does well across a range of diversity indicators, particularly when compared with the Commons. As the Bishop of Leicester said in his response to the publication of the Draft Bill: "*at its best the House of Lords is uniquely a national forum in which the voices and concerns of all strands of civil society can be convened and heard.*"⁵
30. The White Paper and Draft Bill focuses in large part on questions of election and appointment, predicated on existing systems of party political representation. If there is to be far reaching reform, we would wish to see wider exploration of the possibilities for parliament to increase the breadth and diversity of representation by civil society and intellectual life.
31. Responsibility for ensuring a breadth of civil society representation is already a matter for the existing Appointments Commission. It may become harder for civil society bodies in the voluntary, community and charitable sector to have a voice in parliament if the proportion of appointed members is to be so radically reduced.

⁵ Statement on Government white paper on House of Lords reform, 17/5/11, online at: <http://bit.ly/10oR2u>

GENERAL SYNOD

32. The rooted presence of the Church of England in every community of England and its committed membership of nearly one million regular weekly attendees give its bishops personal access through their diocesan networks to a wider spread of civil society organisations and experience than many other comparable public figures. That informs the distinctive role they are able to play as Lords Spiritual and underpins the willingness of the Established Church to continue to make a contribution to a reformed Upper House in which there should continue to be a voice for civil society.

The Lords Spiritual and religious representation

33. **We welcome the proposal in the White Paper and Draft Bill for continued Spiritual representation and a role in a reformed House of Lords for the Church of England as established by law (paragraph 92 of the White Paper). We also wish to see, through the appointments process, the presence of leaders from other denominations and faiths.**
34. Speaking in a parliamentary debate on House of Lords reform in 2007, the Archbishop of York described the constitutional and historical place of the Lords Spiritual as follows: *“The Queen in Parliament is sovereign, but is also Queen in law, in council, and in the Executive. That is the constitutional Arrangement...The Lords Spiritual remind Parliament of the Queen's coronation oath and of that occasion when the divine law was acknowledged as the source of all law. We do not see ourselves as representatives, but as connectors with the people and parishes of England. Ours is a sacred trust—to remind your Lordships’ House of the common law of this nation, in which true religion, virtue, morals and law are always intermingled; they have never been separated.”*⁶
35. By their presence and in leading the House in prayer at the start of each sitting, the Lords Spiritual are a reminder of the historic understanding that, as a people, we are still governed ‘by the Queen in Parliament under God’. Their presence is a further reminder that our key constitutional institutions, the monarchy, our systems of justice, education, healthcare and our charitable sector were all shaped by the Christian tradition.
36. While much voluntary and charitable activity takes place under the auspices of the large service-delivery (and now largely secular) charitable organisations, a substantial proportion of voluntary and community activity in this country continues to be carried out under the auspices of the Church of England, other Christian denominations and other faiths.
37. There is therefore a compelling case for maintaining within the second House the presence of religious leaders who can speak for that substantial part of civic society, as well as contribute thoughtfully on matters of ethical importance..

⁶ Lords Hansard 13/3/07, Col. 580.

GENERAL SYNOD

38. The trend towards increasing engagement and participation by Lords Spiritual in the day to day business of the House - identified in our submission to the 2008 White Paper - has continued in recent years. At present Lords Spiritual are to be found on four parliamentary committees, including the Joint Committee to which this submission is made.
39. Whilst the Lords Spiritual are bound together by their collective identity as bishops of the established Church of England, they come to parliament not as peers but through their historic identity as independent 'Lords of Parliament'. There is no 'Bishops' Party' and whilst bishops take advice, no whip is either imposed or observed that binds their activities to the expressed view of their diocese, the General Synod or Archbishops' Council.
40. On legislative matters Lords Spiritual are as much to be found taking divergent views as uniform ones – and the parliamentary record shows that they will speak and vote accordingly. As the Lords Spiritual do not conceive of themselves as a 'bloc', or behave as one, there has been only a handful of occasions when, in very close votes, their votes have been decisive.
41. The number of Lords Spiritual has remained constant at 26 since the Diocese of Manchester Act of 1847, but that number has, over time, represented a varying proportion of the total membership of the House as its size has ebbed and flowed. Before the introduction of life peers in 1958 it represented just over 3% of a total House of around 800. By 1999 it was a mere 2%, but following the removal of most of the hereditaries it rose again to 4.2%. Since then it has gradually declined as the size of the House has increased.
42. Through its established position, and through generations of hard work building bridges inside and between mixed communities, the Church of England is a key agent of interfaith dialogue and cooperation in all the major cities of England. The Government-backed Near Neighbours programme is both an acknowledgement and a consequence of the value and strength of those networks. Many leaders of other faith communities value the fact that we have an established Church with a role in Parliament. The Lords Spiritual also fulfil an important role in the legislature as an enduring voice for the concerns of people of all faiths, especially at a time of increasingly secularising currents in our public institutions and services.
43. Ever since our May 1999 submission to the Royal Commission chaired by Lord Wakeham, the Church of England has, however, been consistent in its view that an increased presence from other denominations and faiths would be welcome in a reformed House of Lords.
44. In 2000 the Archbishops endorsed the view of the Royal Commission that there should be broader denominational and faith representation in the House of Lords, and in their response to the 2003 Government consultation explained some of the rationale: "*in an era of growing interest and concern about relations between faiths, their approach to moral and ethical issues and their impact on the modern world, the House of Lords has considerable potential as*

GENERAL SYNOD

a forum for serious and well-informed debate on these matters."⁷

45. Like the Commission - and successive Government documents – we acknowledge that providing reserved places for formal representatives of other denominations and faiths would be problematic in practice. But **we believe that there is a strong case for placing the Appointments Commission under a duty to ensure, among other things, the presence of those from across the United Kingdom who have or have had senior responsibility in churches and faiths other than the established Church.**
46. If, as successive governments have accepted, there is a continuing benefit to this country in having an established Church, the presence of the Lords Spiritual in the House of Lords is one of the most important manifestations of that special relationship between Church and State.
47. The Church of England, by law established, holds central to its mission a commitment to minister to the whole community, to people of all faiths and none. According to Professor Tariq Modood: *“the minimal nature of the Anglican establishment, its proven openness to other denominations and faiths seeking public space, and the fact that its very existence is an ongoing acknowledgement of the public character of religion, are all reasons why it may be far less intimidating to the minority faiths than a triumphal secularism.”*⁸ Whilst in his submission to the Royal Commission, the Chief Rabbi, now Lord Sacks, said *“disestablishment would be a significant retreat from the notion that we share any values and beliefs at all. And that would be a path to more, not fewer, tensions. Establishment secures a central place for spirituality in the public square. This benefits all faiths, not just Christianity.”*⁹
48. The established status of the Church would not be at an end if the Lords Spiritual no longer had a place in parliament but its character would be significantly changed and weakened.
49. Some consequential issues would also have to be addressed. Since 1919 the Church of England has, through its own national legislature (now the General Synod) had power to pass Measures which, once they have obtained Parliamentary approval and Royal Assent, have the equivalent effect to Acts of Parliament. Draft Measures are scrutinised by the Ecclesiastical Committee of Parliament, consisting of 15 members of each House, and are then submitted to the House of Commons and House of Lords for approval.
50. In the Commons the relevant motion is then moved by the Second Church Estates Commissioner – traditionally a member of the governing party who is

⁷ Response from the Archbishops of Canterbury and York, on behalf of the Church of England, to the Consultation Document "Constitutional Reform: next steps for the House of Lords", December 2003.

⁸ Tariq Modood, "Establishment, Multiculturalism, and British Citizenship", *Political Quarterly*, 65 (1994),

⁹ Written submission to the Royal Commission on the Reform of the House of Lords by Dr. Jonathan Sacks, Chief Rabbi of the United Hebrew Congregations of Britain and the Commonwealth (1999).

GENERAL SYNOD

appointed by the Queen and must be a communicant Anglican. In the House of Lords the relevant motion is moved by one of the Lords Spiritual.

51. More detailed comments on Part 4 of the draft bill, paragraphs 91-103 of the White Paper and paragraphs 194-226 & 488-492 of the Explanatory Notes are in the attached Annex.

Most Reverend and Rt Hon Dr Rowan Williams
Archbishop of Canterbury

Most Reverend and Rt Hon Dr John Sentamu
Archbishop of York

6 October 2011

GENERAL SYNOD

Annex: The Lords Spiritual – Detailed Comments

1. **We agree with the proposals in the Draft Bill (Clause 65 (3)) that the Lords Spiritual should continue to be diocesan bishops of the Church of England.** This is both a continuation of a longstanding constitutional arrangement and a reflection of the historic settlement that bishops come to the House as individual Lords of Parliament and not formal ‘representatives of the Church of England’.
2. The ambiguity in the definitions contained in paragraphs 91 and page 8 of the White Paper is not entirely helpful (they say respectively: “*Although historically they sit as independent members of the Lords they are widely regarded as representatives of the Church of England*” and “*in the reformed House of Lords, there would be up to 12 places for representatives of the Church of England*”).
3. We welcome the proposed continued parity between the rights and powers afforded to the Lords Spiritual and those enjoyed by all other members of the House, appointed and elected. The Lords Spiritual are committed to playing a full and active role in the life and work of the House and this will enable that role to be performed to its fullest potential.
4. **We agree that, as with the proposal for Government Ministers in the Lords, the numbers of Lords Spiritual should be supernumerary to the overall size of the House.**
5. The Draft Bill proposes that after all reforms have been completed the House should contain 12 Lords Spiritual, with the reduction from the present 26 being introduced in three stages across the transitional period. The draft bill proposes that 12 would comprise five “Named Lords Spiritual” (those who have existing membership of the Lords by virtue of their occupancy of senior sees, namely the two Archbishops and the Bishops of London, Durham and Winchester) and seven “Ordinary Lords Spiritual” (diocesan bishops of the Church of England).
6. In both our response to the Royal Commission and to the 2008 White Paper, we expressed our view that any reduction in the number of bishops below 20 would pose difficulties in terms of maintaining current levels of service to the House. It would place greater burdens on the remaining bishops in balancing their diocesan and parliamentary responsibilities, necessitate a change in the seniority system by which bishops come into the House, and require an overhaul of the duty bishop system that has been in place for over a century.
7. However, given the proposed reduction in the size of the House we accept that these difficulties will have to be faced and that the Church of England will have so to arrange matters that 12 of its bishops will be able to serve the reformed House effectively.

GENERAL SYNOD

8. We note that the White Paper (paragraph 12) states that “*the Government expects members of the reformed House to be full-time Parliamentarians*”, but also the passing reference within the explanatory notes (paragraph 490) to the membership of the Lords Spiritual being “*both ex officio and part-time*”.
9. We believe that, alongside the professional full-time politicians, there should be ample room within a reformed House of Lords for a significant number of members who are informed by a diverse range of outside experiences and interests. We hope that a reformed House along the lines proposed would continue to respect and understand that many amongst its number, including bishops, will continue to have regard to their significant outside commitments – and that this should be considered a positive attribute for informed parliamentary debate.
10. We support the continuation of the principle that translation from one diocese to another should not affect a Lord Spiritual’s continued membership of the House.
11. We agree with the Draft Bill’s proposal (Cl. 26) that there continue to be a distinct category of Lord Spiritual (described as “Named Lords Spiritual”) with membership linked to occupancy of a senior see. We agree that Named Lords Spiritual should continue to receive a writ of summons automatically, mirroring the present arrangement.
12. **We have more doubts whether continuing with the arrangement of five reserved places for the occupants of the senior sees would still be right for a Bishops’ Bench rather less than half its former size.**
13. Occupants of senior sees inevitably have greater competing outside commitments than other bishops, and in the interests of maximizing the continued effectiveness of the service that the Lords Spiritual offer parliament there may be a case for a greater proportion of the membership of the Bishops’ Bench to be drawn from the numbers of the other diocesan bishops (categorized as “Ordinary Lords Spiritual”).
14. We recognize that this is a matter on which the Archbishops, Lords Spiritual and wider Church would wish to reach a settled view before a final figure for Named and Ordinary is commended to the Government. But we note that there are three Lords Spiritual (the Archbishops and the Bishop of London) who are members of the Privy Council and one alternative to the provisions in the draft bill would be for these three sees to be Named, leaving nine places to be filled from the other 39 English diocesan sees.
15. The Draft Bill proposes that the reduction from 26 to 12 Lords Spiritual should be introduced over the two transitional periods, with 21 bishops entering the first period, 16 entering the second and 12 entering all subsequent parliaments. Clause 30 (7) prevents the Church replacing any of the Ordinary Lords Spiritual during the transitional periods unless a failure to do so would result in the total number of bishops falling below 12.

GENERAL SYNOD

16. The Government has proposed that the present number of 26 Lords Spiritual would reduce to not more than 21 at the beginning of the reform process, not more than 16 at the end of the first Parliament and not more than twelve at the end of the second Parliament. Given the pattern of episcopal retirements in recent years the inevitable effect of Clause 30 (7) would be to hasten the timescale in which that baseline of 12 would be reached.
17. As an illustration, in the years 2006 - 2011 there were 20 departures from the Bishops' Bench, 18 of which would be categorized as from the 'Ordinary Lords Spiritual'. The combined transitional period outlined in the Draft Bill is for a maximum of ten years.
18. Clause 30 (7) could therefore mean a more rapid transition from the current to the reformed House for the Lords Spiritual than for those on other benches. This is probably an unintended consequence of what the Government has proposed and, without changing the overall numbers, we believe that some greater flexibility over the transitional mechanism may be needed.
19. The White Paper and Draft Bill (at Clause 27) place a requirement on the Church of England to make the selection of diocesan bishops to serve as Ordinary Lords Spiritual "*in whatever way it considers appropriate*".
20. 27 (7)-(9) sets out a mechanism by which the Church of England's choices would be formally notified; namely by requiring the Secretary General of the General Synod to notify the Clerk of Parliaments before the beginning of each electoral period (or as soon as practicable if during an electoral period) who the Church had selected as its Ordinary Lords Spiritual for the next Parliament.
21. **We agree that it is sensible for the legislation to specify a notification mechanism and not to seek to prescribe the mechanism adopted by the Church for making appointments from among its diocesan bishops.**
22. These provisions would afford the Ordinary Lords Spiritual the opportunity to consider the natural break offered by 5-yearly elections to the House, to decide whether to continue their membership into the next electoral period, or whether to resign their membership of the House at that point (whilst potentially continuing as a diocesan bishop).
23. They would also provide the Church with the ability to select diocesan bishops for membership of the House on the basis of a range of factors including, though not exclusively, any particular expertise, national roles held within the Church, diversity of Spiritual representation, the requirements of the diocese, and geographical variation.
24. The method by which the Ordinary Lords Spiritual would be selected requires further reflection on the part of the Archbishops, Lords Spiritual and the wider Church, given that the inevitable move away from the present, automatic, seniority based system raises a number of important issues.

GENERAL SYNOD

25. At Clause 28 (1) the Draft Bill proposes that going in to the first transitional period, a person can only be selected as an Ordinary Lord Spiritual if *“immediately before the relevant Parliament is dissolved, the person is entitled by virtue of being a bishop to receive writs of summons to attend the House of Lords”*.
26. Going in to the second transitional period the Draft Bill states at Clause 28 (4) that Ordinary Lords Spiritual must be drawn from the existing pool of Lords Spiritual. After the transitional periods, in a fully reformed House of Lords, there is no requirement for the seven Ordinary Lords Spiritual to be drawn from those already sitting in that capacity in the preceding parliament. The effect of this is to afford the Church of England thereafter the opportunity to determine which seven diocesan bishops will make up the Ordinary Lords Spiritual at the beginning of each parliamentary term, for the duration of that term.
27. Given the intention expressed in Clause 27 (6) and elsewhere to allow the Church of England to determine its own method of selection for Ordinary Lords Spiritual for each coming parliament in a fully reformed Upper House – and replacements for those that retire or resign mid-term – **there is a case for affording the Church the broadest possible choice from among its diocesan bishops at an earlier opportunity than at the end of the two-term transitional process.** This would require the removal of Clause 28 (4) and clarification that Clause 28 (1) referred to all diocesan bishops and not simply existing Lords Spiritual.
28. This would enable the Lords Spiritual in the transitional parliaments to be selected from the widest possible pool of those who were diocesan bishops at the time. This could be of particular significance that if the General Synod were to approve the present draft legislation to enable women to become bishops.
29. We agree with the proposal that in a fully reformed House of Lords and during the transitional periods Ordinary Lords Spiritual should be permitted to retire from the House of Lords whilst continuing as a diocesan bishop of their see.
30. **We agree that Lords Spiritual should not receive a salary** given the special (ex-officio and part time) status of the bishops in the House. We agree that Lords Spiritual should continue to be allowed to claim reimbursement for expenses necessarily incurred in the course of their parliamentary duties.
31. **We agree that the Lords Spiritual should be subject to the same disqualification provisions as other members of the reformed House of Lords. We question whether the exemptions proposed by the Government for the Lords Spiritual from the tax deeming provisions, the serious offence provisions and those on expulsion and suspension are necessary. We did not seek them and unless there are legal or constitutional reasons of which we are not aware, we believe that the Lords Spiritual should be in the same position as other members of the House on these matters.**